

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 3:19MJ99

ELIZABETH JO SHIRLEY,

Defendant.

ORDER ON PRELIMINARY HEARING AND DETENTION

On April 3, 2020, came the United States of America by Jarod J. Douglas, Assistant United States Attorney, telephonically and also came the Defendant, Elizabeth Jo Shirley by videoconferencing from the Eastern Regional Jail and by her counsel, Nicholas J. Compton, Assistant Federal Public Defender, and Edward B. MacMahon, Jr., Esq. who both appeared in the courtroom for an initial appearance, preliminary hearing and detention hearing in the above-styled criminal action.

Upon commencement of the preliminary hearing, the Defendant's counsel presented a written waiver of the preliminary hearing and the detention hearing to the Court.

The Court proceeded to inform Defendant that she is entitled to a preliminary hearing and her rights regarding the same. After inquiry, the Court finds that Defendant, upon consultation with her attorney, knowingly and intelligently waives her right to a preliminary hearing in this matter. Based on that waiver and further inquiry, the Court finds that there is probable cause to believe that Defendant did knowingly and

intentionally committing International Parental Kidnapping, a felony, in violation of 18 U.S.C. § 1204. It is

ORDERED that the Defendant be bound over to the Grand Jury pursuant to 18 U.S.C. §3161(b). In this regard, the Court recognizes that no grand juries are meeting in the Northern District of West Virginia during the thirty-day period following the defendant's arrest. Accordingly, pursuant to 18 U.S.C. § 3161(b) and the Notice [ECF No. 9] filed by the Government, the period of time for filing of an indictment is hereby extended an additional thirty days.

The Court proceeded to inform Defendant that she is also entitled to a detention hearing and her rights regarding the same. After inquiry, the Court finds that Defendant, upon consultation with her attorney, knowingly and intelligently waives her right to a detention hearing in this matter. Based upon the knowing and intelligent waiver of Defendant to a detention hearing in this matter, it is **ORDERED** that the Government's Motion [ECF No. 8] to Detain is **GRANTED**. Accordingly, it is hereby

ORDERED that:

1. Defendant is hereby remanded to the custody of the United States Marshal pending further proceedings in this case;
2. Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel;

4. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and
5. Any Party seeking revocation or amendment of this Order shall file a motion pursuant to 18 U.S.C. § 3145.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: 4-3-2020



ROBERT W. TRUMBLE
UNITED STATES MAGISTRATE JUDGE